

TOWN OF FOREST HEIGHTS
RESOLUTION 25-21

**A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE
NEIGHBORHOOD DESIGN CENTER, INC. AND THE TOWN OF FOREST HEIGHTS TO
PROVIDE AN ARBORIST LED TREE INVENTORY WITH MANAGEMENT AND
REPLANTING RECOMMENDATIONS FOR ROADSIDE AND PUBLIC TREES**

Introduced By: Mayor Habeeb-Ullah Muhammad

WHEREAS, the Neighborhood Design Center (NDC) has been awarded a National Fish & Wildlife Foundation grant to assist small municipalities within Prince George's County with their urban forestry plan, and the Town of Forest Heights (the Town) is interested in partnering with NDC to support their urban forestry program for approximately 1,200 public trees with a tree inventory, tree maintenance recommendations and to make an application to MD Department of Natural Resources (DNR) for a roadside tree care blanket permit; and

WHEREAS, unlike Roadside Tree Project Permits issued for a specific tree or group of trees for specific tree care operations, Roadside Tree Blanket Permits are issued for comprehensive and continuing programs of general tree care such as those administered by State agencies, counties, municipalities, corporations, and public utilities; and

WHEREAS, a roadside tree is any tree whose trunk grows all or in part within a public road right-of-way, regardless of ownership of the physical property (Town platted streets are typically 50 feet in width including both improved and grassy areas of the street), and before a roadside tree is trimmed or cared for in any way, a Tree Care Permit must be obtained from the DNR Forest Service, and a permit is also required when underground construction, such as tunneling, trenching, or boring, impact the root zone of a roadside tree, and planting a tree within the public road right-of-way also requires a permit, and any work performed on a roadside tree must be done by a Roadside Tree Care Expert (employed by a public agency) or a Maryland Licensed Tree Expert, and when tree care is performed on a roadside tree without a permit, a fine may be assessed or more severe actions taken by the DNR Forest Service; and

WHEREAS, the Charter of the Town of Forest Heights (the "Charter"), Section 33-20(b)(11) and (25) authorizes the Council to make agreements with other governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions, and to accept gifts and grants of Federal or of State funds from the Federal or State governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made; and

WHEREAS, the Charter, Section 33-20(b)(11) and (25) authorizes the Town to have control of all public ways in the Town except such as may be under the jurisdiction of the State Roads Commission of Maryland or Prince George's County, and subject to the laws of the State of Maryland and the Charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town; and

TOWN OF FOREST HEIGHTS
RESOLUTION 25-21

WHEREAS, the Charter, Section 33-90 further authorizes the Mayor and Council to pass certain legislation of a non-permanent nature regarding an administrative matter by resolution in lieu of ordinance; and

WHEREAS, the Town will provide community and stakeholder outreach, logistical support where needed, and metrics reporting of hours and funds spent to satisfy its in-kind contribution, and the in-kind contribution from the Town is anticipated to be approximately \$5,000 in staff / volunteer hours and expenses to occur during 2021; Budget Line Item 7264; and

WHEREAS, the Council finds that the purpose of this MOU is consistent with advancing the interests of the Town to promote the health, safety and welfare of the Town's residents, and is in keeping with the general welfare clause of Section 33-21 of the Charter.

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby approves and ratifies the "Memorandum of Understanding" dated 5/10/2021 between the Neighborhood Design Center, Inc. and the Town of Forest Heights to provide an arborist-led tree inventory with management and replanting recommendations for roadside and public trees, attached hereto as Exhibit A and incorporated by referenced herein (the "MOU"); and

BE IT FURTHER RESOLVED, the Town Council further delegates to the Town Administrator the requisite authority to execute said MOU on behalf of the Town including any appropriate indemnification or liability release forms deemed necessary, and that the MOU shall be deemed to be approved, and authorized as of the effective date of this Resolution; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage.

PASSED this 16 day of June 2021.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

MUHAMMAD

Yea

BROWNSON

Yea

NOBLE

Yea

BARNES

Yea

HINES

Yea

WASHINGTON

Yea

ATKINSON

Yea

TOWN OF FOREST HEIGHTS
RESOLUTION 25-21

ATTEST:

THE TOWN OF FOREST HEIGHTS,
MARYLAND

SIGNATURE ON FILE

~~Sherletta Hawkins, Town Clerk~~

Mrs. Vargha

SIGNATURE ON FILE

By:

~~Mayor Habeeb-Ullah Muhammad~~

SIGNATURE ON FILE

By:

~~Calvin Washington, Council President~~

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 16 day of June 2021 with 7 Aye votes and 0 Nay votes the aforesaid Resolution 25-21 passed.

SIGNATURE ON FILE

~~Sherletta Hawkins, Town Clerk~~

Mrs. Vargha

Exhibit A, (MOU re: Neighborhood Design Center (NDC)) dated 5/10/2021, attached hereto.